THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5993 of 2007

02.4.2007

Between:
L.Dattu Kumar, S/o.Chandramouli

…Petitioner

and

The District Collector, Mahaboobnagar District
And others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5993 of 2007

ORDER:

The petitioner herein is a resident of Mahabubnagar. He is an Ex-Serviceman. He has statedly served the Indian Air Force and retired on 29.2.92 as Sargent. He made an application to the first respondent through Air Force Authorities for assignment of land. By proceedings dated 13.09.1993, he was assigned land admeasuring Acs.3.00 in Survey No.25 situated at Yenugonda Village within the peripheral limits of Mahabubnagar Town. The petitioner allegedly brought the land into cultivation and was in possession of the same. He also obtained Pattadar Pass Books and Title Deeds. In 2002, the Mandal Revenue Officer, third respondent herein, initiated action for cancellation of assignment on the allegation that the petitioner and other assignees contravened the terms/conditions of assignment. Without issuing any notice to the petitioner, the third respondent cancelled the assignment made in favour of the petitioner. By proceedings No.C/17244/2002, dated 05.06.2003, the third respondent ordered resumption of the land to the Government. Be it also noted that the said order was passed as instructed by the District Collector. The petitioner asserts that he was not aware of the orders nor the same was communicated to him. It is alleged, the Officials from the Office of the third respondent visited the petitioner's land and asked him to go over to the Office. He went there on 06.2.2007, when he was informed about the orders of the Mandal Revenue Officer dated 05.06.2003. This is assailed in the Writ Petition.

The matter was heard at the preliminary stage on 26.3.2007 for preliminary hearing. The learned Assistant Government Pleader for Revenue (Assignment) sought time for filing counter affidavit. Today when the matter is called, learned Assistant Government Pleader fairly submits that this matter is squarely covered by the order of this Court in W.P.No.850 of 2007, dated 02.3.2007.

Following the above judgment, the writ petition is allowed, and the

impugned proceedings No.C/17244/2002, dated 05.06.2003, is set aside. Liberty is however given to the third respondent to initiate action against the petitioner if there is any violation of the conditions of assignment in accordance with law. In the circumstances, there shall be no order as to costs.

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(**V.V.S.RAO, J**)

April 02, 2007.
YS